

Family Name						
Given Names						
Student Number	1	2	3	4	5	6
Teaching Period	Semester 2, 2016					

FINAL EXAMINATION	DURATION
LWA321 Public International Law	<div>Reading Time: 20 minutes</div> <div>Writing Time: 120 minutes</div>

INSTRUCTIONS TO CANDIDATES

- In Section **A**, answer five (5) out of ten (10) questions. Section A is worth fifteen (15) marks.
- In Section **B**, answer the question. It is compulsory. Section B is worth twenty-five (25) marks.
- In Section **C**, answer one (1) out of three (3) questions. Section C is worth twenty (20) marks.
- This exam is worth sixty per-cent (60%) of your final grade.

EXAM CONDITIONS

This is an OPEN BOOK examination

Any non-programmable calculator is permitted

Any handwritten material is permitted

Any hard copy, English dictionary is permitted (annotated allowed)

Answer on the supplied examination material/s only

ADDITIONAL AUTHORISED MATERIALS	EXAMINATION MATERIALS TO BE SUPPLIED
Any printed material with the exception of CDU Library books is permitted	1 x 20 Page Book 3 x Scrap paper

**THIS EXAMINATION IS PRINTED
DOUBLE-SIDED.**

**THIS PAGE HAS BEEN INTENTIONALLY LEFT
BLANK.**

SECTION A

Answer five (5) out of ten (10) questions. Refer very briefly to legal authority where necessary. Limit your answer to each selected question to no more than a few lines only.

Each question is worth three (3) marks. Suggested time allocation for this Section: 25 minutes. Section A is worth fifteen (15) marks.

- Question 1.** What are the two jurisdictions of the ICJ, and who can bring cases to them?
(3 Marks)
- Question 2.** Define '*jus cogens*'.
(3 Marks)
- Question 3.** What are the elements of required for statehood?
(3 Marks)
- Question 4.** Define 'ratification'.
(3 Marks)
- Question 5.** Define '*pacta sunt servanda*'.
(3 Marks)
- Question 6.** Who do immunities *rationae materiae* apply to?
(3 Marks)
- Question 7.** Does the exercise of self-defence by a State under customary international law require an armed attack to have occurred, and why?
(3 Marks)
- Question 8.** According to *Reference Re Secession of Quebec* [1998] 2 SCR 217, which three categories of peoples are entitled to exercise the right of external self-determination?
(3 Marks)
- Question 9.** What is the principle of speciality as it relates to international institutional law?
(3 Marks)
- Question 10.** The *Nottebohm Case (Liechtenstein v Guatemala)* (Second Phase) [1955] ICJ Rep 4 is an example of which State jurisdictional principle?
(3 Marks)

SECTION B

This question is COMPULSORY. There is only one question in this Section.

Suggested time allocation for this Section: 50 minutes. Section B is worth twenty-five (25) marks.

Question 11.

State A and State B are neighbours. Both have ratified the *Geneva Conventions* and the *Additional Protocols*; the *Charter of the United Nations*; and the *Vienna Convention on the Law of Treaties*.

Relations between the States are not good. For many years, however, State A and State B cooperated in the operation of a Joint Industrial Zone (JIZ). The JIZ sits on the border between the two States in Neutral Territory. Workers from each State could work together without the need for passports. Under the JIZ Treaty, State A and State B were required to jointly operate the JIZ.

State B's economy was significantly helped by the JIZ. State A's economy is very strong and the JIZ was not significant for it.

State A and State B have also ratified the bilateral Train Treaty. The Train Treaty allows a single freight train to operate on the Train Line between State A and State B. Both States agreed to allow the train to run.

State B's Government changed last year. It no longer supported the JIZ or the Government of State A. State B unlawfully unilaterally terminated the JIZ Treaty. It also expelled all of State A's workers from the JIZ. State B took over sole control of the JIZ.

State A immediately requested State B resume operating the JIZ in accordance with the JIZ Treaty. State B did not.

A week later, State A's Government published a statement. It said, "In response to State B's illegal termination of the JIZ Treaty, State A will retaliate with military force and stop the train running on the Train Line".

State A sent its military into State B the next day and bombed State B's Military Intelligence Headquarters (MIH). State A also removed 1 meter of track from the Train Line (inside State A), stopping the train from running, in violation of the Train Treaty. The train track can be replaced.

Immediately after the MIH was bombed, State B sent its air force over State A and dropped hundreds of small bombs over State A's capital city to destroy State A's Army Headquarters (AH). This attack was directed by General B. The AH is destroyed, and one hundred civilians are killed.

Inside State B are the Warriors. They are a group of rebels who seek to overthrow the Government of State B. State A has been funding the Warriors and they have upgraded their weaponry to machine guns and rocket-propelled grenades. State A has provided the Warriors with specific and detailed information on the whereabouts of State B government officials the Warriors seek to kill. The Warriors use this information and shoot down the President of State B's plane while it comes into land at the State B Airport.

State A captures General B (while he is in office) and puts him on trial in State B for the bombing of State A's capital city and the civilian deaths.

Discuss the above with reference to international law, specifically:

1. Whether the violations of the JIZ and Train Treaty are internationally wrongful acts;
2. The legality of the use of force;
3. International humanitarian law;
4. State responsibility; and,
5. Whether General B is entitled to immunity.

(25 Marks)

SECTION C FOLLOWS ON THE NEXT PAGE

SECTION C

Answer one (1) out of three (3) essay questions.

DO NOT attempt a question which covers similar ground to that in your assignment for this unit.

Suggested time allocation for this Section: 45 minutes. Section C is worth twenty (20) marks.

Question 12.

How is public international law enforced? Justify your position by citing relevant authorities, treaties, and case law.

(20 marks)

Question 13.

Under what circumstances are States legally permitted to use force? Justify your position by citing relevant authorities, treaties, and case law.

(20 marks)

Question 14.

Discuss the formal mechanisms through which States are able to peacefully resolve their disputes in international law. Justify your position by citing relevant authorities, treaties, and case law.

(20 marks)

[END OF EXAMINATION PAPER]